

ASSEMBLY BILL

No. 2522

Introduced by Assembly Member Arambula
(Principal coauthor: Senator Florez)

February 21, 2008

An act to add Chapter 5.8 (commencing with Section 40610) to Part 3 of Division 26 of the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as introduced, Arambula. San Joaquin Valley Unified Air Pollution Control District.

(1) Existing law authorizes air pollution control districts and air quality management districts, except as provided, to levy a fee up to \$2 on motor vehicles, and authorizes the districts to increase this fee up to \$6 if certain conditions are met.

This bill would authorize the San Joaquin Valley Unified Air Pollution Control District to increase this fee by up to but not exceeding \$30 for incentive-based programs to achieve surplus emissions reductions, as specified. The bill would require the Bureau of State Audits to audit the assessment of fees and expenditure of funds pursuant to these provisions and require the state board to assess the use of these fees in achieving and maintaining state and federal ambient air standards.

The bill would authorize the San Joaquin Valley district to adopt rules and regulations to reduce vehicle trips in order to reduce air pollution from vehicular sources.

The district would be required to submit a specified proposal relating to vehicle fees. By imposing this duty on the San Joaquin Valley Unified Air Pollution Control District, the bill would impose a state-mandated local program.

(2) The bill would become operative only if SB 240 of the 2007–08 Regular Session is enacted and becomes effective.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.8 (commencing with Section 40610)
2 is added to Part 3 of Division 26 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 5.8. SAN JOAQUIN VALLEY CLEAN AIR ATTAINMENT
6 PROGRAM
7

8 40610. The Legislature finds and declares as follows:

9 (a) Residents of the San Joaquin Valley suffer some of the worst
10 air quality in the world. This poor air quality poses a significant
11 threat to public health, the environment, and the economy of the
12 valley.

13 (b) The extreme difficulty for the valley to meet state and federal
14 ambient air quality standards requires an urgent and unified
15 program that combines more strict clean air rules and regulations
16 and ongoing funding to clean up those sources that cannot be
17 regulated effectively.

18 (c) The purpose of this chapter is to establish a program for the
19 San Joaquin Valley to achieve state and federal ambient air quality
20 standards by the earliest practicable date.

21 40612. (a) In order to provide funding for air pollution control
22 programs needed to achieve and maintain state and federal air
23 quality, the district may do both of the following:

24 (1) Notwithstanding the limits on the amount of the motor
25 vehicle fee specified in Sections 44223 and 44225, increase the
26 fee established pursuant to these sections by up to, but not
27 exceeding, thirty dollars (\$30) per motor vehicle per year for the
28 purposes of establishing and implementing incentive-based

1 programs to achieve surplus emissions reductions that the district
2 determines are needed to remediate air pollution harms created by
3 motor vehicles on which the fee is imposed and that are intended
4 to achieve and maintain state and federal ambient air quality
5 standards required by the federal Clean Air Act (42 U.S.C. Sec.
6 7401 et seq.). Except for the amount of the fee, any increase shall
7 be subject to Chapter 7 (commencing with Section 44220) of Part
8 5, including, but not limited to, the adoption of a resolution
9 providing for both the fee increase and a corresponding program
10 for expenditure of the moneys raised by the increased fees for the
11 reduction of mobile source emissions.

12 (2) Notwithstanding Section 40717.9, adopt rules and regulations
13 to reduce vehicle trips in order to reduce air pollution from
14 vehicular sources.

15 (b) Fees adopted pursuant to this section are in addition to any
16 other fees imposed by the district, and may be charged in any of
17 fiscal years 2009–10 to 2023–24, inclusive. Fees may be assessed
18 after the 2012–13 fiscal year only if the United States
19 Environmental Protection Agency approves the district’s proposed
20 reclassification of its nonattainment status for ozone from severe
21 to extreme. The fees adopted pursuant to this section are for the
22 district portion of the total amount needed to achieve and maintain
23 state and federal ambient air quality standards. At least ten million
24 dollars (\$10,000,000) shall be used to mitigate the impacts of air
25 pollution on public health and the environment in
26 disproportionately impacted environmental justice communities
27 in the San Joaquin Valley. The district board shall convene an
28 environmental justice advisory committee, selected from a list
29 given to the board by environmental justice groups from the San
30 Joaquin Valley, to recommend the neighborhoods in the district
31 that constitute environmental justice communities, and how to
32 expend funds within these communities.

33 (c) (1) The fees adopted pursuant to this section shall become
34 effective after the state board makes both of the following findings:

35 (A) The district has undertaken all feasible measures to reduce
36 nonattainment air pollutants from sources within the district’s
37 jurisdiction and regulatory control.

38 (B) The district has notified the state board that fees have been
39 adopted pursuant to this section and provided the state board with

1 an estimate of the total funds that will be provided annually by
2 each of those fees.

3 (2) The state board shall file a written copy of its findings made
4 pursuant to this subdivision with the Secretary of State within two
5 days of its determination.

6 (3) The fees adopted pursuant to this section shall be collected
7 nine months after the requirements of paragraph (2) are met.

8 40613. (a) The Bureau of State Audits shall audit the district's
9 assessment and expenditure of any fees authorized pursuant to
10 Section 40612 every two years that the fee is assessed, and shall
11 submit these audits to the Legislature within two weeks of their
12 completion.

13 (b) The state board shall assess the district's progress in using
14 any fees assessed pursuant to Section 40612 to achieve and
15 maintain state and federal ambient air quality standards every two
16 years that the fee is assessed, and shall submit these assessments
17 to the Legislature within two weeks of their completion.

18 40614. The district shall submit an assessment to the
19 Legislature by January 1, 2010, on the manner in which vehicle
20 license fees or other types of fees could be imposed on vehicles
21 that are not registered in the district, but that travel through the
22 district.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 a local agency or school district has the authority to levy service
26 charges, fees, or assessments sufficient to pay for the program or
27 level of service mandated by this act, within the meaning of Section
28 17556 of the Government Code.

29 SEC. 3. This bill shall only become operative if Senate Bill
30 240 of the 2007–08 Regular Session is enacted and becomes
31 effective.